

## Message Text

SECRET

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ORIGIN NODS-00

INFO OCT-01 ISO-00 /001 R

DRAFTED BY EA/K:RGRICH,JR.:JCM  
APPROVED BY EA:WHGLEESTEEN,JR.  
L/EA - MRS. VERVILLE  
P - MR. FORBES  
JUSTICE - MR. MICHEL  
JUSTICE - MR. CIVILETTI  
S/S-O - MR. GOLDSMITH

-----033129 140108Z /64

Z O 140056Z DEC 77 ZFF4  
FM SECSTATE WASHDC  
TO AMEMBASSY SEOUL FLASH  
INFO USDEL SECRETARY IMMEDIATE

S E C R E T STATE 297776 TOSEC 120168

EXDIS DISTRIBUTE AS NODIS

E.O. 11652: GDS

TAGS: PGOV, KS, US

SUBJECT: TONGSUN PARK AFFAIR: NEGOTIATION OF JOINT  
STATEMENT

REFS: (A) SEOUL 10474, (B) SEOUL 10475, (C) STATE 296610.

1. THIS MESSAGE RESPONDS TO THE JOINT STATEMENT TEXTUAL  
PROPOSALS MADE BY ROKG IN THE EVENING MEETING DECEMBER 13  
IN SEOUL (REF A).

2. IT NOW APPEARS THAT WE ARE AT FINAL STAGE OF  
RESOLVING TEXTUAL MATTERS REGARDING THE JOINT STATEMENT  
AND MUTUAL PROSECUTION ASSISTANCE AGREEMENT. WE

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THEREFORE LOOK FOREWARD TO YOUR EARLY CONFIRMA-  
TION THAT THE OTHER PENDING MATTERS NOTED IN PARAGRAPH  
TWO OF REF L HAVE ALSO BEEN SATISFACTORILY CONCLUDED.

3. IT WOULD BE A GREAT MISTAKE TO AGREE TO ANY  
CONFIDENTIAL SIDE LETTER IN CONNECTION WITH THESE UNDER-  
STANDINGS. EVEN IF CAREFULLY WORDED, SUCH A SIDE LETTER

WOULD QUICKLY BECOME THE FOCUS FOR CONGRESSIONAL CRITICISM OF THE ENTIRE PROCEEDING. EXPLAIN TO FOREIGN MINISTER THAT WE MUST ADDRESS THE DIFFICULT ISSUES IN THE MAIN DOCUMENT. IN OUR DRAFTING RESPONSE BELOW, WE HAVE TRIED TO OFFER A SOMEWHAT MORE RESPONSIVE COUNTER PROPOSAL TO PARAGRAPH 4.F. IT SHOULD BE CLEAR THAT DESPITE OUR DESIRE TO BE COOPERATIVE THERE ARE LIMITS BEYOND WHICH WE CANNOT MAKE COMMITMENTS.

4. FOLLOWING ARE SPECIFIC RESPONSES TO ROK PROPOSALS IN REF A, KEYED TO PARAGRAPH NUMBERING USED IN FULL TEXT AS TRANSMITTED IN REF C:

1. WE AGREE WITH SHIFT OF THIS PARAGRAPH TO BECOME NUMBER TWO AND ADDITION OF PROPOSED SHORT TITLE. ALSO AGREE TO SUBSTITUTION OF WORD "TESTIMONY" FOR "COOPERATION." LONGER DELETION NOT ACCEPTABLE.

2. AGREE TO SHIFT OF THIS PARAGRAPH TO BECOME NUMBER ONE AND ADDITION OF PROPOSED SHORT TITLE.

4.A. PROPOSED DELETION IS AGREEABLE. HOWEVER, WE WISH ALSO TO DELETE "THIS AGREEMENT" AND SUBSTITUTE "THESE ARRANGEMENTS." THIS IS CONSISTENT WITH OUR ATTEMPT THROUGHOUT TO AVOID CONFUSION OVER TECHNICAL TERM AGREEMENT AND WE SIMPLY MISSED THIS PHRASEOLOGY  
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IN THIS PARAGRAPH DURING EARLIER REVIEW. USE OF WORD "ARRANGEMENTS" CONFORMS TO TITLE OF SECTION FOUR.

4.F. IF THERE ARE TO BE ANY MUTUAL UNDERSTANDINGS ON THE SUBJECT OF THIS PARAGRAPH, WE WILL NEED TO RETAIN IT IN THE OPEN JOINT STATEMENT AS NOTED IN PARAGRAPH THREE ABOVE. FOLLOWING REVISED TEXT IS MAJOR

EFFORT TO OFFER YOU NEGOTIABLE FORMULA RETAINING ESSENTIAL FORMULATION WE MUST RETAIN:

QUOTE: MR. TONGSUN PARK WOULD BE ADMITTED TO THE UNITED STATES ONLY FOR LIMITED PERIODS RELATED SPECIFICALLY TO HIS ANTICIPATED COURT APPEARANCES. THE DEPARTMENT OF JUSTICE HAS NO INTENTION OF DETAINING MR. PARK IN THE UNITED STATES. UNDER THESE ARRANGEMENTS, THEREFORE, HE WOULD BE EXPECTED TO RETURN PROMPTLY TO KOREA FOLLOWING EACH SUCH TRIAL. UNQUOTE.

4.D. ROKG OBJECTION TO OUR PROPOSED WORDING IN THIS PARAGRAPH IS PUZZLING. WE CAN AGREE TO DELETION OF THE WORD "CONTEMPLATED" IF THAT IS THE PROBLEM.

ALTERNATIVELY, THE PHRASE COULD READ: "BY REASON OF THESE ARRANGEMENTS" TO CONFORM AGAIN TO THE NOUN USED IN THE HEADING TO SECTION FOUR. EITHER OF THESE ALTERNATIVES IS ACCEPTABLE, BUT WE CANNOT AGREE TO THE KOREAN SUGGESTION.

5. PROPOSED CHANGE IN TITLE IS ACCEPTABLE.

5.A. WE FAIL TO SEE DIFFERENCE BETWEEN "ACTIVELY TO ADVISE" AND "TO ACTIVELY ADVISE," AND YOU SHOULD NOTE TO ROKG THAT IT IS GRAMMATICALLY BETTER FORM IN ENGLISH NOT TO SPLIT THE INFINITIVE AND WE PREFER TO RETAIN AS IS, BUT IF THIS IS STICKING POINT YOU MAY ACCEDE.

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5.B. WE WERE SURPRISED THAT OUR PREVIOUS CONCESSION ON FINAL PART OF 5.B. WAS UNACCEPTABLE, AND EMBASSY DID NOT REPORT ANY COMMENT ON REACTION TO SUGGESTED FORMULATION. WE CONTINUE TO DISAGREE WITH COMPLETE DELETION OF THIS FINAL THOUGHT. IN ORDER TO REACH AGREEMENT, HOWEVER, WE ARE AGREEABLE TO ELIMINATING NEGATIVE PHRASEOLOGY AND REPLACING IT WITH POSITIVE STATEMENT AS FOLLOWS: QUOTE AND WILL TAKE ALL NECESSARY AND PROPER STEPS TO FACILITATE HIS PRESENCE IN THE UNITED STATES FOR THIS PURPOSE. UNQUOTE. THIS SHOULD REMOVE ANY POSSIBLE TAIN OF MISTRUST FROM THE STATEMENT WHILE STILL RETAINING AN AFFIRMATION IMPORTANT TO US.

5. COMMENT: IN DEALING WITH FINAL ASPECTS OF THE JOINT STATEMENT TEXT, YOU SHOULD REVIEW CAREFULLY WITH THE FOREIGN MINISTER THE LIMITS OF WHAT WE CAN AND CANNOT PROMISE. DEPARTMENT OF JUSTICE HAS PROMISED TO URGE THE CONGRESSIONAL COMMITTEES NOT TO TAKE ACTIONS WHICH WOULD JEOPARDIZE THESE ARRANGEMENTS. WE HAVE ALSO DISCUSSED OTHER LEGAL STEPS AFFECTING TONGSUN PARK'S RIGHTS DURING HIS PRESENCE HERE FOR TESTIMONY. HOWEVER, IT MUST BE CLEAR THAT WE ARE NOT SPEAKING FOR OR COMMITTING THE CONGRESS. IN THIS CONNECTION, THE FINAL PARAGRAPH OF THE MPAA TRANSMITTED TO YOU EARLIER IS MOST IMPORTANT TO US.

6. WE HAVE WORKED HARD TO OFFER YOU FORMULATIONS WHICH CAN NOW BE ACCEPTED. HOPEFULLY THERE WILL BE NO FURTHER REFORMULATIONS SUGGESTED. DRAFT MPAA REVISIONS FOLLOW BY SEPTTEL. CHRISTOPHER

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## Message Attributes

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**Current Classification:** UNCLASSIFIED  
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